

REMARKS

Reconsideration of the above-identified Application is respectfully requested. Claims 1-20 are in the case. No amendments have been made.

Regarding the rejection of Claims 1, 3-7, 12 and 14-17 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hartwell et al. in view of Zmarthie and Happ, this rejection is respectfully traversed. Independent Claim 1 recites in pertinent part an automated emergency alert system including "one or more processors collectively operable to: receive from the dynamic sensor an acceleration profile for the handheld portable communication device, *the acceleration profile comprising a plurality of discretely sampled acceleration values taken at predetermined time intervals*; access one or more predefined acceleration profiles stored in the memory; compare the acceleration profile received from the dynamic sensor to the one or more predefined acceleration profiles stored in the memory to determine if the acceleration profile substantially matches a predefined acceleration profile in the one or more predefined acceleration profiles; and if it is determined that the acceleration profile received from the dynamic sensor substantially matches a predefined acceleration profile in the one or more predefined acceleration profiles stored in the memory, initiate a communication using the wireless telecommunications network to one or more emergency call centers to notify the emergency call center that the emergency event has occurred." (Emphasis added.) Having a dynamic sensor provide such a profile, which has discretely sampled acceleration values taken at predetermined time intervals, and which may be compared against predefined profiles stored in memory permits, for example, distinguishing between normal dropping of the device and more significant events which may be emergency events. See, for example, Specification at page 12, lines 15-30. Important to note in this regard is that the multiple acceleration values at different times permits determining, for example, if an acceleration is rapid or not. Thus, even though one or more of the acceleration values may be high, if those values are generated during a smooth acceleration it would not be desired to initiate a

communication, while if those values are in a profile of a sufficiently rapid acceleration or deceleration, a communication would be desired, as such profile would represent an accident. See, e.g., the Specification at page 9, line 3, through page 10, line 3.

In the rejection, it was impliedly alleged that Happ provides a teaching of comparing the acceleration profile received from a dynamic sensor to one or more predefined acceleration profiles stored in memory to determine if the acceleration profile substantially matches a predefined acceleration profile in the one or more predefined acceleration profiles, wherein each acceleration profile comprises a plurality of discretely sampled acceleration values taken at predetermined time intervals. Applicants respectfully dispute this implied allegation. A careful reading of Happ reveals that, like the Hartwell et al. reference, it, too, is merely a threshold detection scheme. While Happ discusses periodically sampling acceleration signals from accelerometers, converting them to digital format, and converting them to vehicle equivalent accelerations, these individual sampled signals correspond to individual acceleration pulses from accelerometers, the signals representing a magnitude and duration of the pulse. As explained in Happ, at column 8, line 56, through column 9, line 7, for example with respect to Figure 5a, if only one such pulse is above the B curve, the system issues a "fire" signal, indicating a crash has occurred. Curve B thus merely defines a threshold boundary above which any acceleration signal triggers his system. Thus, the only reason for periodic sampling in Happ is for ongoing monitoring of their helicopter, so that once an above-threshold even occurs there will not be an undesired delay for response thereto. The periodically sampled acceleration signals are thus not compared in a group, as a profile, with a predefined profile to find a match. Thus, Happ's approach is distinctly different from the invention set forth in Claim 1, in which an entire profile of sampled values is so processed.

The other art of record is even less relevant.

It is therefore respectfully submitted that for the above reasons Claim 1 is allowable over Hartwell et al., Zmarthie, Happ, and, indeed, all of the art of record, whether considered individually or in any combination.

Independent Claim 12 includes limitations similar to those in Claim 1 discussed above, and therefore Claim 12 is allowable as well for the same reasons as those set forth above for the allowability of Claim 1.

Claims 3-7 all depend, either directly or indirectly, from Claim 1 and so are allowable for the same reasons, as well as for the additional limitations found therein. Claims 14-17 all depend, either directly or indirectly, from Claim 12 and so are allowable for the same reasons, as well as for the additional limitations found therein.

Wherefore reconsideration and withdrawal of this rejection are respectfully requested.

Regarding the rejection of Claims 2 and 13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hartwell et al. in view of Zmarthie and Happ, and further in view of Memsic Cell Phone Accelerometers/Sensors ("Memsic"), this rejection is respectfully traversed. Claim 2 depends from Claim 1 and Claim 13 depends from Claim 12. The reasons for the allowability of Claims 1 and 12 over Hartwell et al., Zmarthie and Happ are set forth above. Memsic fails to cure the deficiencies of Hartwell et al., Zmarthie and Happ, being cited merely for the alleged obviousness of a dynamic sensor comprising an on-chip accelerometer. The other art of record is even less relevant. It is therefore respectfully submitted that for the above reasons Claims 2 and 13 are allowable over Hartwell et al., Zmarthie, Happ, Memsic and, indeed, all of the art of record whether considered individually or in any combination. Wherefore reconsideration and withdrawal of this rejection are respectfully requested.

Regarding the rejection of Claims 8-9 and 18 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hartwell et al. in view of Zmarthie and Happ, and further in view of Alpert, this rejection is respectfully traversed. Claims 8 and 9 both depend from Claim 1 and Claim 18 depends from Claim 12. The reasons for the allowability of Claims 1 and 12 over Hartwell et al., Zmarthie and Happ are

set forth above. Alpert fails to cure the deficiencies of Hartwell et al., Zmarthie and Happ, being cited merely for the alleged obviousness of storing prerecorded emergency event messages and transmitting them in an emergency event. The other art of record is even less relevant. It is therefore respectfully submitted that for the above reasons Claims 8-9 and 18 are allowable over Hartwell et al., Zmarthie, Happ, Alpert and, indeed, all of the art of record whether considered individually or in any combination. Wherefore reconsideration and withdrawal of this rejection are respectfully requested.

Regarding the rejection of Claims 10 and 19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hartwell et al. in view of Zmarthie and Happ, and further in view of Teller, this rejection is respectfully traversed. Claim 10 depends from Claim 1 and Claim 19 depends from Claim 12. The reasons for the allowability of Claims 1 and 12 over Hartwell et al., Zmarthie and Happ are set forth above. Teller fails to cure the deficiencies of Hartwell et al., Zmarthie and Happ, being cited merely for the alleged obviousness of an emergency sensing device using a temperature sensor. The other art of record is even less relevant. It is therefore respectfully submitted that for the above reasons Claims 10 and 19 are allowable over Hartwell et al., Zmarthie, Happ, Teller and, indeed, all of the art of record whether considered individually or in any combination. Wherefore reconsideration and withdrawal of this rejection are respectfully requested.

Regarding the rejection of Claims 11 and 20 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hartwell et al. in view of Zmarthie and Happ, and further in view of Haderer et al., this rejection is respectfully traversed. Claim 11 depends from Claim 1 and Claim 20 depends from Claim 12. The reasons for the allowability of Claims 1 and 12 over Hartwell et al., Zmarthie and Happ are set forth above. The reference to Haderer et al. fails to cure the deficiencies of Hartwell et al. Zmarthie, and Happ, being cited merely for the alleged obviousness of using a device to determine if a person driving an automobile is in/under water. The other art of record is even less relevant. It is therefore respectfully submitted that for the above reasons Claims 11 and 20 are allowable

over Hartwell et al., Zmarthie, Happ, Haderer et al. and, indeed, all of the art of record whether considered individually or in any combination. Wherefore reconsideration and withdrawal of this rejection are respectfully requested.

It is respectfully submitted that the claims recite the patentably distinguishing features of the invention and that, taken together with the above remarks, the present application is now in proper form for allowance. Reconsideration of the application, as amended, and allowance of the claims are requested at an early date.

While it is believed that the instant amendment places the application in condition for allowance, should the Examiner have any further comments or suggestions, it is respectfully requested that the Examiner contact the undersigned in order to expeditiously resolve any outstanding issues.

To the extent necessary, the Applicants petition for an Extension of Time under 37 C.F.R. §1.136. Please charge any fees in connection with the filing of this paper, including extension of time fees to the Deposit Account No. 20-0668 of Texas Instruments Incorporated.

Respectfully submitted,

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